IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.3645 of 1988

Office Notes, Office Memoranda of Coram, appearances, Court's Court's or Judge's orders orders or directions and Registrar's orders.

Mr.V.P.Sawant, for the Petitioner

Mrs.S.S.Bhende,A.G.P. for the Respondents

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.
DATED : 4th February, 2005
P.C.

. The State Government has applied urgency clause and dispensed with notice under Section 5(A) of the Land Acquisition Act. The petitioner, therefore, approached this Court challenging the notification under Section 4. We do not propose to go into the merits of the matter. The matter is pending in this Court and interim relief has been granted since 1998. The project is over. The land was to be acquired for rehabilitation. In our opinion the ends of justice would be met if the respondents are directed to permit the petitioner to file his objection to the Notification under Section 4 and after considering the objections in terms of Rules to pass appropriate orders including the declaration under Section 6 if it is so permissible. The contention by the

petitioner as to the non-applicability of the slab to his land and other contentions which he is legally entitled to can be raised before the Land Acquisition Officer.

In the light of that the following order:-

. Petitioner to file objections to the acquisition of their lands to the Special Land Acquisition Officer, who will consider the said objections as filed and thereafter to pass appropriate orders. In the meantime the possession of the petitioner's land not to be taken from the petitioner. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)